

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

BIS Advanced Software Systems, Ltd.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 04-11960-RWZ
	)	
Red Bend Software, Inc., <i>et al</i> ,	)	
	)	
Defendants.	)	
_____	)	

**ORDER AND STIPULATION OF DISMISSAL**

Plaintiff BIS Advanced Software Systems, Ltd. (Plaintiff) having covenanted not to sue to the satisfaction of Defendants Red Bend Software, Inc., Red Bend, Ltd., ICQ, Inc., and InstallShield Software Corp. (Defendants), and Plaintiff and Defendants having executed and filed this Stipulation of Dismissal, Plaintiff and Defendants request the Court to enter this Order and Stipulation of Dismissal.

Accordingly, pursuant to Fed. R. Civ. P. 41(a)(2), it is HEREBY ORDERED that:

Any claim for infringement of U.S. Patent No. 6,401,239 (the “’239 patent”) based upon (a) the software products currently used, made or sold by Defendant Red Bend, (b) products of Defendant Red Bend currently in “development”, and (c) products specifically identified in the Salinger Declaration, *see* D.I. 64, ¶¶ 12-14 is hereby dismissed with prejudice. This dismissal includes claims against Defendant Red Bend’s current customers, whether named in this action or not, for their use of such Red Bend products (*i.e.*, those identified above) in the United States.

Defendant’s declaratory judgment counterclaims for invalidity of the ‘239 patent are hereby dismissed without prejudice.

Each party is to bear its own costs and attorneys fees in connection with this action.

It is SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

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Rya W. Zobel  
United States District Judge

Respectfully submitted,

RED BEND SOFTWARE, INC., *ET AL.*  
By its attorneys,

/s/ Miguel Danielson

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